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PATENT 1/30/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:
SAVERIO CARL FALCO ET AL.

CASE NO.: BB1037-F

APPLICATION NO.: 09/049,304

GROUP ART UNIT: 1649

FILED: MARCH 27, 1998

EXAMINER: E. MCELWAIN

FOR: CHIMERIC GENES AND METHODS FOR
INCREASING THE LYSINE AND THREONINE
CONTENT OF THE SEEDS OF PLANTS

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated October 22, 2001 requiring further restriction of the elected invention. Applicants respectfully request reconsideration and submit the following in support thereof.

Remarks

Applicants hereby provisionally elect species (1) and twelve polypeptide sequences SEQ ID NO:104, 105, 112, 117, 118, 121, 122, 124, 126, 128, 130, and 132 for further prosecution in the instant application subject to Applicants' right to pursue the nonelected subject matter in a divisional application or applications pursuant to 35 USC §121.

The claims which are readable on the elected species include claims 1, 2, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20.

It appears that no change in inventorship is warranted at this time.

Please charge any fees associated with the filing of this response to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

Respectfully submitted,

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Dated: November 29, 2001